

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

August 25, 2005

IN RE:

PETITION OF KING'S CHAPEL CAPACITY, LLC FOR  
CERTIFICATE OF CONVENIENCE AND NECESSITY  
TO SERVE AN AREA IN WILLIAMSON COUNTY,  
TENNESSEE KNOWN AS ASHBY COMMUNITY

DOCKET NO.  
04-00335

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ORDER GRANTING WITHDRAWAL OF INTERVENTION

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On October 5, 2004, King's Chapel Capacity, LLC ("King's Chapel") filed an application for a Certificate of Public Convenience and Necessity ("*Petition*") to operate wastewater disposal systems in the Ashby Community development in Williamson County, Tennessee. On October 11, 2004, Tennessee Wastewater Systems, Inc. ("TWS") filed a *Petition to Intervene* in this docket. At a regularly scheduled Authority Conference held on November 22, 2004, the panel assigned to this docket voted unanimously to grant the *Petition to Intervene* filed by TWS and to appoint a Hearing Officer to prepare the matter for hearing by the panel.<sup>1</sup>

On July 25, 2005, TWS filed a notice informing the Authority that a settlement agreement been reached in this docket and that it was withdrawing its objections to King's Chapel's *Petition*. However, TWS remained a party to the docket for purposes consistent with the settlement agreement.<sup>2</sup>

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<sup>1</sup> See Transcript of Authority Conference, pp 26-29 (November 22, 2004)

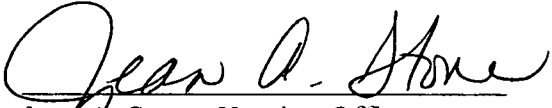
<sup>2</sup> Notice of Settlement and Withdrawal of Objections, p 1, n 1 (July 25, 2005)

On August 19, 2005, TWS filed a notice stating that it is withdrawing as a party to the proceeding at King's Chapel's request. TWS further states that it has remained a party to the proceeding to monitor the proceedings to insure that King's Chapel does not seek a revision or change of geographic area and number of customers to be served. TWS states that King's Chapel has informed it that, as long as TWS remains a party, Authority staff does not believe it is appropriate to have *ex parte* discussions with King's Chapel and that, as a result, the staff's investigation of King's Chapel's application may take longer than it otherwise would. TWS states that it will continue to monitor the public filings and may seek permission to intervene again if TWS believes that King's Chapel is not in compliance with the settlement agreement.

The Hearing Officer finds that the request of TWS to withdraw its intervention is reasonable and should be granted.

**IT IS THEREFORE ORDERED THAT:**

The request of Tennessee Wastewater Systems, Inc. to withdraw as a party to this docket is granted.

  
Jean A. Stone, Hearing Officer